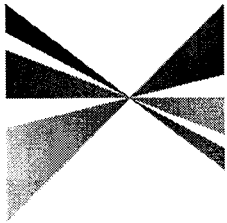


SOUTHERN CALIFORNIA



**ASSOCIATION of
GOVERNMENTS**

Main Office

818 West Seventh Street
12th Floor
Los Angeles, California
90017-3435

t (213) 236-1800

f (213) 236-1825

www.scag.ca.gov

Officers: President: Mayor Pro Tem Ron Roberts, Temecula • First Vice President: Councilmember Toni Young, Port Hueneme • Second Vice President: Vacant

Imperial County: Victor Carrillo, Imperial County, Jo Shields, Brawley

Los Angeles County: Yvonne Brathwaite Burke, Los Angeles County • Zev Yaroslavsky, Los Angeles County • Jim Aldinger, Manhattan Beach • Harry Baldwin, San Gabriel • Paul Bowlen, Cerritos • Tony Cardenas, Los Angeles • Margaret Clark, Rosemead • Gene Daniels, Paramount • Mike Dispenza, Palmdale • Judy Dunlap, Inglewood • Rae Gabellich, Long Beach • Eric Garcetti, Los Angeles • Wendy Greuel, Los Angeles • Frank Gurulé, Cudahy • James Hahn, Los Angeles • Janice Hahn, Los Angeles • Isadore Hall, Compton • Tom LaBonge, Los Angeles • Martin Ludlow, Los Angeles • Llewellyn Miller, Claremont • Cindy Miskowski, Los Angeles • Paul Nowatka, Torrance • Pam O'Connor, Santa Monica • Alex Padilla, Los Angeles • Bernard Parks, Los Angeles • Jan Perry, Los Angeles • Beatrice Proo, Pico Rivera • Ed Reyes, Los Angeles • Greig Smith, Los Angeles • Dick Stanford, Azusa • Tom Sykes, Walnut • Paul Talbot, Alhambra • Sidney Tyler, Pasadena • Tonia Reyes Uranga, Long Beach • Antonio Villaraigosa, Los Angeles • Dennis Washburn, Calabasas • Jack Weiss, Los Angeles • Bob Yousefian, Glendale • Dennis Zine, Los Angeles

Orange County: Chris Norby, Orange County • John Beauman, Brea • Lou Bone, Tustin • Art Brown, Buena Park • Richard Chavez, Anaheim • Debbie Cook, Huntington Beach • Cathryn DeYoung, Laguna Niguel • Richard Dixon, Lake Forest • Marilyn Poe, Los Alamitos • Tod Ridgeway, Newport Beach

Riverside County: Jeff Stone, Riverside County • Thomas Buckley, Lake Elsinore • Bonnie Flickinger, Moreno Valley • Ron Loveridge, Riverside • Greg Pettis, Cathedral City • Ron Roberts, Temecula

San Bernardino County: Gary Ovitt, San Bernardino County • Bill Alexander, Rancho Cucamonga • Lawrence Dale, Barstow • Lee Ann Garcia, Grand Terrace • Susan Longville, San Bernardino • Deborah Robertson, Rialto

Ventura County: Judy Mikels, Ventura County • Glen Becerra, Simi Valley • Carl Morehouse, San Buenaventura • Toni Young, Port Hueneme

Orange County Transportation Authority: Lou Correa, County of Orange

Riverside County Transportation Commission: Robin Lowe, Hemet

Ventura County Transportation Commission: Keith Millhouse, Moorpark

MEETING OF THE

ENERGY & ENVIRONMENT COMMITTEE

**Thursday, March 3, 2005
10:30 a.m. – 12:15 p.m.**

**SCAG Offices
818 W. 7th Street, 12th Floor
Riverside A Conference Room
Los Angeles, California 90017
213. 236.1800**

If members of the public wish to review the attachments or have any questions on any of the agenda items, please contact Lisa Taylor at 213.236.1891 or taylorl@scag.ca.gov

Agendas and Minutes for the Energy and Environment Committee are also available at:

www.scag.ca.gov/committees/eec.htm

SCAG, in accordance with the Americans with Disabilities Act (ADA), will accommodate persons who require a modification of accommodation in order to participate in this meeting. If you require such assistance, please contact SCAG at (213) 236-1868 at least 72 hours in advance of the meeting to enable SCAG to make reasonable arrangements. To request documents related to this document in an alternative format, please contact (213) 236-1868.



ENERGY & ENVIRONMENT COMMITTEE

AGENDA

| | PAGE # | TIME |
|--|-------------------------------|------|
| 1.0 <u>CALL TO ORDER & PLEDGE OF ALLEGIANCE</u> | | |
| | Councilmember Clark, Chair | |
| 2.0 <u>PUBLIC COMMENT PERIOD</u> | | |
| Members of the public desiring to speak on an agenda item or items not on the agenda, but within the purview of the Committee, must fill out and present a speaker's card to the Assistant prior to speaking. A speaker's card must be turned in before the meeting is called to order. Comments will be limited to three minutes. The chair may limit the total time for all comments to twenty (20) minutes. | | |
| 3.0 <u>REVIEW and PRIORITIZE AGENDA ITEMS</u> | | |
| 4.0 <u>CONSENT CALENDAR</u> | | |
| 4.1 <u>Approval Item</u> | | |
| 4.1.1 <u>Approve Minutes of February 3, 2005 Attachment</u> | 01 | |
| 4.2 <u>Receive and File</u> | | |
| 4.2.1 <u>State and Federal Legislative Matrix Attachment</u> | 05 | |
| 4.2.2 <u>SCAG Future Events Calendar Attachment</u> | 20 | |
| A working calendar of projected SCAG meetings and events. | | |



ENERGY & ENVIRONMENT COMMITTEE

AGENDA

| | | PAGE # | TIME |
|-----|---|--|-----------------------------|
| 5.0 | <u>ACTION ITEMS</u> | | |
| 5.1 | <u>Conformity Determination for the 8-hour Ozone Standard Attachment</u> | Ted Harris, SCAG Staff | 23 10 minutes |
| | Staff will provide an overview of the proposed resolution for the 8-hours Ozone Conformity Determination. | | |
| | Recommended Action: Recommend that the Regional Council adopt Resolution 05-461-1 approving the conformity determination for the 8-Hour Ozone Standard for the 2004 Regional Transportation Plan and the 2004 Regional Transportation Improvement Program. | | |
| 5.2 | <u>H.R.18 (Baca) Southern California Groundwater Remediation Act Attachment</u> | Charlotte Pienkos, SCAG Staff | 34 10 minutes |
| | H.R. 18 provides grant funding for Groundwater remediation in the Santa Ana River watershed. | | |
| | Recommended Action: Recommend that the Regional Council supports H.R. 18 with amendments. | | |

ENERGY & ENVIRONMENT COMMITTEE

AGENDA

| | | PAGE # | TIME |
|-----|--|--|-----------------------------|
| 6.0 | <u>INFORMATION ITEMS</u> | | |
| 6.1 | <u>Environmental Justice Attachment</u> Staff will report on recent efforts to convene Environmental Justice stakeholders for the purpose of reviewing SCAG's 2004 Regional Transportation Plan processes. | Jacob Lieb, SCAG Staff | 38 15 minutes |
| 6.2 | <u>Energy Efficiency Financing Attachment</u> Staff will give a brief description of the CEC Financing Program that provides low interest loans for energy saving studies and measures. | Alan Thompson, SCAG Staff | 39 5 minutes |
| 6.3 | <u>Preliminary Schedule for the 2007 RTP and PEIR Attachment</u> Staff will present the proposed schedule for the 2007 RTP and PEIR. | Ted Harris, SCAG Staff | 40 10 minutes |
| 7.0 | <u>WATER POLICY TASK FORCE REPORT</u> | Councilmember Washburn, Chair | |
| 8.0 | <u>CHAIR'S REPORT</u> | Councilmember Clark, Chair | |



ENERGY & ENVIRONMENT COMMITTEE

AGENDA

| | PAGE # | TIME |
|---|----------------------------------|------|
| 9.0 <u>STAFF REPORT</u> | Sylvia Patsaouras, SCAG Staff | |
| 10.0 <u>FUTURE AGENDA ITEMS</u> Any Committee members or staff desiring to place items on a future agenda may make such request. Comments should be limited to three (3) minutes. | | |
| 11.0 <u>ANNOUNCEMENTS</u> | | |
| 12.0 <u>ADJOURNMENT</u> The next meeting of the Energy and Environment Committee will be held in the SCAG offices on Thursday, April 7, 2005. | | |



Energy and Environment Committee
February 3, 2005

Action Minutes

THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE ENERGY AND ENVIRONMENT COMMITTEE. AUDIO CASSETTE TAPE OF THE ACTUAL MEETING IS AVAILABLE FOR LISTENING IN SCAG'S OFFICE.

The Energy and Environment Committee held its meeting at SCAG Offices downtown Los Angeles. The meeting was called to order by Dennis Washburn, Vice Chair, Calabasas. There was a quorum.

Members Present

Bertone, Denis
Clark, Margaret (**Chair**)
Cook, Debbie
Eckenrode, Norman
Forester, Larry
King, Dorothy
Nelson, Larry
Van Arsdale, Lori
Washburn, Dennis
Zerunyan, Frank

SGVCOG
City of Rosemead
City of Huntington Beach
City of Placentia
City of Signal Hill
Gateway Cities COG
City of Artesia
City of Hemet
City of Calabasas
South Bay Cities COG

Members Not Present

Harrison, Jon
Marchand, Paul
Portantino, Anthony
Young, Toni

City of Redlands
City of Cathedral City
City of La Canada/Flintridge
City of Port Hueneme

New Members

Energy and Environment Committee
February 3, 2005

Action Minutes

1.0 ELECTION OF VICE CHAIR

Dennis Washburn, Calasas was elected Vice Chair.

2.0 CALL TO ORDER & PLEDGE OF ALLEGIENCE

Hon. Dennis Washburn, Vice Chair, called the meeting to order at 10:30 a.m.

3.0 PUBLIC COMMENT PERIOD

Felix Oduyemi, Southern California Edison addressed the Committee pertaining Item 7.1

4.0 REVIEW and PRIORITIZE

5.0 CONSENT CALENDAR

4.1 Approval Item

4.1.1 Action Minutes of January 6, 2005

Motion by Forester to approve the Action Minutes, Seconded by Nelson, then Approved by the majority of the Committee. Eckenrode abstained.

4.2 Receive and File

4.2.1 SCAG Future Events Calendar

6.0 ACTION ITEMS

None at this time.

7.0 INFORMATION ITEMS

7.1 Energy Chapter of the Regional Comprehensive Plan

The purpose of the Regional Comprehensive Plan (RCP) is to consolidate the existing bodies of SCAG policies and to provide practical direction on the implementation of the plan to outside entities. At this stage the RCP Task Force is in the process of reviewing regional issues for the development of the chapter.

The RCP Task Force then reviewed the current energy policies and assessed that the region does not have an effective or comprehensive regional energy generation policy. This new policy should determine if the region should pursue energy generation capacity, and if so, the location and type of these power plants.

Energy and Environment Committee

February 3, 2005

Action Minutes

Committee members suggested that alternative forms of energy conversion be considered and long-term guidelines to ensure a continuity of effort. In addition, staff will plan energy workshops comprised of elected officials and industry leaders to garner ideas and reach consensus.

Felix Oduyemi, Southern California Edison, advised the Committee to also consider energy transmission and distribution in the plan. He also offered to assist the Committee with funding and by encouraging other municipalities to become involved.

7.2 Solid Waste Chapter of the Regional Comprehensive Plan

Staff reported that the RCP Task Force discussed the need for an integrated waste management system. Some of the primary functions of this system would be:

- adequately plan for future waste disposal
- divert waste from landfills
- using conversion technology to divert waste from landfills and to help generate electricity
- implementing a construction management ordinance that would mandate construction waste recycling
- expanding the number of governments with procurement policies favoring recyclable materials
- rewarding program implementation goals in place of strict numerical targets
- phasing out the use of hazardous materials
- Integrating regional plans with the state Solid Waste Plans.

The RCP Task Force identified several issues and recommend that the EEC reviews these issues and establishes policies in the areas of:

- reduction and elimination of non-reusable materials
- decommissioning nuclear power plants in earthquake fault zones
- disposal options for low-level radioactive medical waste

Staff is in the process of developing the Solid Waste Chapter of the Regional Comprehensive Plan that describes current conditions and objectives for regional solid waste planning. The focus is on specific actions for specific stakeholders. Actions are drawn from the 2004 RTP EIR, 1997 Solid Waste Task Force Report, and the 1989 Southern California Hazardous Waste Management Plan. Staff contacted Solid Waste Task Force participants to get their input on the chapter. Their interests include conversion technologies; solid waste transfer stations; rail transport of solid waste; universal hazardous waste; and electronic waste.

Energy and Environment Committee
February 3, 2005

Action Minutes

7.3 Update on AQ Mitigation of Goods Movement

Staff briefed the Committee on efforts to evaluate if it is possible or technically feasible to accommodate the expected growth of the ports and to mitigate the related air quality emissions. It is believed that through coordination with various stakeholders and using the 2004 RTP as a blueprint, a regional strategy can be formulated to include components that will provide multiple benefits in the areas of: economy, transportation, mobility, and performance. Staff is working to create new programs that will not divert funds from other desperately needed transportation programs.

8.0 WATER POLICY TASK FORCE REPORT

Next meeting – February 10, 2005, 10a.m. to 12 noon.

9.0 CHAIR'S REPORT

None

10.0 STAFF REPORT

11.0 FUTURE AGENDA ITEMS

- Strategies to develop a comprehensive energy plan


12.0 ANNOUNCEMENTS

13.0 ADJOURNMENT

Hon. Dennis Washburn adjourned meeting at 12:05pm.

The next meeting of the Energy and Environment Committee will be held in the SCAG offices on Thursday, March 3, 2005.

Action Minutes Approved
by:


Sylvia Patsaouras, Manager
Energy and Environment

MEMO

DATE: March 3, 2005

TO: The Regional Council
The Community Economic and Human Development Committee
The Energy and Environment Committee
The Transportation and Communications Committee (TCC)

FROM: Charlotte Pienkos, Government Affairs Analyst
Phone: (213) 236-1811 E-Mail: pienkos@scag.ca.gov

SUBJECT: State and Federal Legislative Matrix

Since the February 3rd meetings of the Regional Council and the policy committees, bill introduction in Sacramento has proceed at the slower, more circumspect pace not unusual in the first year of a two-year session. As of this writing on February 10th, SCAG is monitoring just 37 newly introduced state bills. The pace of bill introduction will hasten prior to the February 18th deadline. On the horizon, Spring Recess begins on March 17th. The Legislature will reconvene on March 29th.

On the federal level, the Public-Private Transportation Infrastructure Reinvestment Act of 2005 was proposed in Congress by Representative Sam Graves (R-6th) of Missouri (no number has been assigned at this writing). The proponents of the measure believe viable transportation infrastructure projects are waiting for money at the same time private sources of money are looking for investment opportunities. Matching private funds to public projects, however, is not simple.

Public authorities wishing to work with private investors face barriers. Current law and practice in public transportation programs create an institutional bias against private participation. For example, current rules on intermingling public and private funds exercise a serious restraint on efforts by public authorities to finance much-needed public transportation projects with innovative financing.

As more information on Congressman Graves' bill becomes available, Government Affairs will bring it forward for consideration.

In other federal legislation, the Water Policy Task Force considered at its February 10th meeting HR 18 (Baca), the Southern California Groundwater Remediation Act. HR 18 makes grants available for groundwater clean up and other activities within the Santa Ana River basin. The EEC will consider HR 18 at its meeting.



Private file: AirQuality

CA AB 17

AUTHOR: Koretz (D)
TITLE: Coastal Resources: Beaches: Prohibiting Smoking
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
COMMITTEE: Assembly Natural Resources Committee
HEARING: 02/28/2005 1:30 pm
CODE SECTION:

An act to add Section 516 to the Public Resources Code, relating to coastal resources.

SUMMARY:

Makes it an infraction for a person to smoke a pipe, cigar, or cigarette on a state coastal beach. Permits the state to develop and post signs at a state coastal beach to provide notice of the smoking prohibition.

DIGEST:

LEGISLATIVE COUNSEL'S DIGEST

AB 17, as introduced, Koretz. Coastal resources: beaches: prohibiting smoking.

Existing law makes it an infraction for a person to smoke a cigarette, cigar, or other tobacco-related product within 25 feet of a playground or tot lot sandbox area.

This bill would make it an infraction for a person to smoke, as defined, a pipe, cigar, or cigarette on a state coastal beach, as defined. The bill would establish a state-mandated local program by creating a new crime.

This bill would permit the state to develop and post signs at a state coastal beach to provide notice of the smoking prohibition, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

STATUS:

12/06/2004 INTRODUCED.
 01/06/2005 To ASSEMBLY Committees on NATURAL RESOURCES and GOVERNMENTAL ORGANIZATION.
Subject: AirQuality

CA AB 32

AUTHOR: Pavley (D)
COAUTHOR(S): Chan (D), Laird (D), Simitian (D)
TITLE: Greenhouse Gas Emissions: California Climate Registry
FISCAL COMMITTEE: yes
URGENCY CLAUSE: no
COMMITTEE: Assembly Natural Resources Committee
HEARING: 02/28/2005 1:30 pm
CODE SECTION:

An act to amend Sections 42801 and 42823 of the Health and Safety Code, relating to air pollution.

SUMMARY:

Revises the functions and duties of the California Climate Action Registry. Requires the registry, in coordination with the California Environmental Protection Agency and the State Energy Resources Conservation and Development Commission, to adopt specified procedures and protocols both for monitoring, estimating, calculating, reporting, and certifying greenhouse gas emission reduction projects, and for monitoring emissions resulting from specified industrial sectors.

DIGEST:

LEGISLATIVE COUNSEL'S DIGEST

AB 32, as introduced, Pavley. Greenhouse Gas Emissions: California Climate Action Registry.

Existing law requires the Secretary of the Resources Agency to establish the California Climate

Action Registry (hereafter registry) as a public benefit nonprofit corporation, and makes legislative findings and declarations relating to the registry. Existing law requires the registry to perform various functions, including, among other things, the adoption of procedures and protocols for the reporting and certification of greenhouse gas emission reductions resulting from a project or an action of a participant in the registry.

This bill would revise the functions and duties of the registry by requiring the registry, in coordination with the California Environmental Protection Agency and the State Energy Resources Conservation and Development Commission, to adopt specified procedures and protocols both for monitoring, estimating, calculating, reporting, and certifying greenhouse gas emission reduction projects, and for monitoring, estimating, calculating, reporting, and certifying greenhouse gas emissions resulting from specified industrial sectors, as provided. This bill would require the registry to coordinate with state agencies to promote the development of harmonized reporting standards, as specified, and would require the registry, to the extent possible, to coordinate with other states and regions to ensure that businesses and organizations operating both in this state and out of state follow uniform protocols when reporting to multiple registries, states, or regions.

This bill would also make additional legislative findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

STATUS:

12/06/2004

INTRODUCED.

01/27/2005

To ASSEMBLY Committee on NATURAL RESOURCES.

Subject:

AirQuality

CA AB 184

AUTHOR:

Cogdill (R)

TITLE:

Air Quality: Gross Polluting Vehicles

LOCATION:

ASSEMBLY

CODE SECTION:

An act relating to air pollution.

SUMMARY:

Expresses the intent of the Legislature to establish a pilot program to improve air quality by removing gross polluting vehicles from the roadways.

DIGEST:

LEGISLATIVE COUNSEL'S DIGEST

AB 184, as introduced, Cogdill. Air quality: gross polluting vehicles.

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular services. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources.

This bill would express the intent of the Legislature to establish a pilot program to improve air quality by removing gross polluting vehicles from the roadways, as provided.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

STATUS:

01/24/2005

INTRODUCED.

Subject:

AirQuality, Environment

CA SB 44

AUTHOR:

Kehoe (D)

TITLE:

General Plans: Air Quality Element

FISCAL COMMITTEE:

yes

URGENCY CLAUSE:

no

LOCATION:

Senate Local Government Committee

CODE SECTION:

An act to amend Section 65302.1 of the Government Code, relating to general plans.

SUMMARY:

Requires the legislative body of each city and county, other than those in the San Joaquin Valley Air Pollution Control District, to amend the appropriate elements of its general plan to include data and analysis, comprehensive goals, policies, and feasible implementation strategies to

improve air quality no later than one year from the date specified for the next revision of its housing elements.

DIGEST:

LEGISLATIVE COUNSEL'S DIGEST

SB 44, as introduced, Kehoe. General plans: air quality element.

Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries that bears relation to its planning. The law requires the plan to include a specified land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, and other categories of public and private uses of land. Existing law specifically requires the legislative body of each city and county within the jurisdictional boundaries of the San Joaquin Valley Air Pollution Control District to amend appropriate elements of its general plan to include specified information to improve air quality.

This bill would make legislative findings and declarations regarding air pollution problems in this state. The bill additionally would require the legislative body of each city and county, other than those in the San Joaquin Valley Air Pollution Control District, to amend the appropriate elements of its general plan to include data and analysis, comprehensive goals, policies, and feasible implementation strategies to improve air quality no later than one year from the date specified for the next revision of its housing element.

The bill would also require each city and county, at least 45 days prior to the adoption of air quality amendments to a general plan, to send a copy of the draft document to the air quality management district or air pollution control district in which it is located for review and comment, as specified. By increasing the duties of local public officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

STATUS:

01/04/2005

INTRODUCED.

01/27/2005

To SENATE Committee on LOCAL GOVERNMENT.

Subject:

AirQuality, LandUse

CA SB 109

AUTHOR:

Ortiz (D)

TITLE:

Air Pollution: Minor Violations: Stationary Sources

LOCATION:

SENATE

CODE SECTION:

An act to amend Section 39153 of, and to repeal Section 42400.7 of, the Health and Safety Code, relating to air pollution.

SUMMARY:

Extends, until January 1, 2012, the requirement that the State Air Resources Board and each air pollution control district adopt a regulation or a rule that classifies certain violations as minor. Repeals the provision precluding criminal prosecution following the recovery of civil penalties for the same offense, and repeals the requirement that a civil action be dismissed upon the filing of a criminal complaint for the same offense.

DIGEST:

LEGISLATIVE COUNSEL'S DIGEST

SB 109, as introduced, Ortiz. Air pollution: minor violations: stationary sources: prosecution of violations. (1) Existing law designates air pollution control districts and air quality management districts as having the primary responsibility for the control of air pollution from all sources other than vehicular sources, subject to the powers and duties of the State Air Resources Board. Existing law subjects any person that violates any rule, regulation, permit, or order of the state board or a district pertaining to emissions of air contaminants or toxic air contaminants to fines, imprisonment, and civil penalties. Existing law, until January 1, 2006, requires the state board and each district to adopt a regulation or a rule that classifies certain violations as minor. Existing

law provides that the recovery of a civil penalty for an air quality violation precludes criminal prosecution. Existing law also provides that the filing of a criminal complaint requires the dismissal of any civil action for the same offense, but exempts from that requirement any portion of a civil action requesting injunctive relief.

This bill would extend that minor violation classification requirement until January 1, 2012. The bill would repeal the provision precluding criminal prosecution following the recovery of civil penalties for the same offense, and would repeal the requirement that a civil action be dismissed upon the filing of a criminal complaint for the same offense. To the extent that this bill would increase the number of criminal or civil cases that would be prosecuted, it would impose a state-mandated local program.

(2)

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

STATUS:

01/20/2005

INTRODUCED.

Subject:

AirQuality, Environment

Private file: Energy

CA AB 200

AUTHOR:

Leslie (R)

TITLE:

Renewable Energy Resources: Portfolio Standard Program

FISCAL COMMITTEE:

no

URGENCY CLAUSE:

no

LOCATION:

Assembly Utilities and Commerce Committee

CODE SECTION:

An act to add Section 399.17 to the Public Utilities Code, relating to renewable energy resources.

SUMMARY:

Relates to the California Renewables Portfolio Standard Program. Adopts certain modifications to the renewables portfolio standard program that are applicable only to an electrical corporation with 60,000 or fewer customer accounts in the state that serves retail end-use customers outside California.

DIGEST:

LEGISLATIVE COUNSEL'S DIGEST

AB 200, as introduced, Leslie. Renewable energy resources: California Renewables Portfolio Standard Program.

The Public Utilities Act imposes various duties and responsibilities on the Public Utilities Commission with respect to the purchase of electricity and requires the commission to review and adopt a procurement plan and a renewable energy procurement plan for each electrical corporation pursuant to the California Renewables Portfolio Standard Program. The program requires that a retail seller of electricity, including electrical corporations, community choice aggregators, and electric service providers, but not including local publicly owned electric utilities, purchase a specified minimum percentage of electricity generated by eligible renewable energy resources, as defined, in any given year as a specified percentage of total kilowatthours sold to retail end-use customers each calendar year (renewables portfolio standard). The renewables portfolio standard requires each electrical corporation to increase its total procurement of eligible renewable energy resources by at least an additional 1% of retail sales per year so that 20% of its retail sales are procured from eligible renewable energy resources no later than December 31, 2017.

This bill would adopt certain modifications to the renewables portfolio standard program that are applicable only to an electrical corporation with 60,000 or fewer customer accounts in

California that serves retail end-use customers outside California.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

STATUS:

01/31/2005

INTRODUCED.

02/07/2005

To ASSEMBLY Committees on UTILITIES AND COMMERCE and NATURAL RESOURCES.

Subject:

Energy, Environment

CA SB 1

AUTHOR:

Murray (D)

COAUTHOR(S):

Campbell (R)

TITLE:

Energy: Renewables Portfolio Standard Program

FISCAL COMMITTEE:

yes

URGENCY CLAUSE:

no

LOCATION:

Senate Energy, Utilities and Communications Committee

CODE SECTION:

An act to amend Section 25744 of, and to add Sections 25407, 25744.4, and 25744.5 to, the Public Resources Code, and to amend Sections 399.6, 399.8, and 2827 of, and to add Section 379.8 to, the Public Utilities Code, relating to energy, and making an appropriation therefor.

SUMMARY:

Establishes the Solar Homes Peak Energy Procurement Subaccount within the Emerging Renewable Resources Account to fund the Solar Homes Peak Energy Procurement Program. Requires the Energy Commission to award rebates. Authorizes the Commission to provide incentives, to support the installation of solar energy systems on existing and new residential construction. Requires that amounts collected to fund such alternative energy and research and development be set by the PUC.

DIGEST:

LEGISLATIVE COUNSEL'S DIGEST

SB 1, as introduced, Murray. Energy: renewable energy resources: California Renewables Portfolio Standard Program.

(1) Existing law requires the State Energy Resources Conservation and Development Commission (Energy Commission) to expand and accelerate development of alternative sources of energy, including solar resources. Existing law requires the Energy Commission, until January 1, 2006, and to the extent that funds are appropriated for that purpose in the annual Budget Act, to implement a grant program to accomplish specified goals, including making solar energy systems cost competitive with alternate forms of energy.

The existing Public Utilities Act requires the Public Utilities Commission (PUC) to require Pacific Gas and Electric Company, San Diego Gas and Electric, and Southern California Edison to identify a separate electrical rate component to fund programs that enhance system reliability and provide in state benefits. This rate component is a nonbypassable element of local distribution and collected on the basis of usage. The funds are collected to support cost-effective energy efficiency and conservation activities, public interest research and development not adequately provided by competitive and regulated markets, and renewable energy resources. Existing PUC resolutions refer to the nonbypassable rate component as a "Public Goods Charge" (PGC). Existing law requires that the PGC not exceed, for any tariff schedule, the level that was in effect on January 1, 2000. Existing law requires that the PGC be adjusted annually at a rate equal to the lesser of the annual growth in electric commodity sales or inflation, as defined. Existing law requires the Energy Commission to transfer funds collected by electrical corporations for in state operation and development of existing and new and emerging renewable resources technologies into the Renewable Resource Trust Fund, to fund specified programs.

Existing law requires that 17.5% of the money collected under the renewable energy public goods charge be used to fund the Emerging Renewable Resources Account within the Renewable Resource Trust Account, for the purpose of a multiyear, consumer-based program to foster the development of emerging renewable technologies in distributed generation applications.

This bill would establish the Solar Homes Peak Energy Procurement Subaccount within the Emerging Renewable Resources Account and would make the moneys therein available, upon appropriation by the Legislature, to fund the Solar Homes Peak Energy Procurement Program, which the bill would establish. The bill would require the Energy Commission to award rebates, and would authorize the Energy Commission to provide incentives, to support the installation of solar energy systems, as defined, on existing and new residential construction. The bill would

This bill would require that the PUC, on or before February 1, 2006, and in consultation with the Energy Commission, issue an order initiating an investigation and opening a ratemaking proceeding, or to expand the scope of an existing proceeding, to adopt and implement a program to invest in residential solar energy systems. The bill would require the PUC to complete its investigation and proceeding and adopt the program no later than January 1, 2008. The bill would require every local publicly owned electric utility, as defined, to establish a solar homes program consistent with the program adopted and implemented by the PUC, within a reasonable time after the PUC establishes any program for electrical corporations. Each local publicly owned electric utility would be required to report, on an annual basis, to its customers and to the Energy Commission, information relative to the utility's solar homes program and would authorize the Energy Commission to establish guidelines for the information to be included in the annual report.

This bill would delete the requirement that moneys collected for renewable energy and deposited in the Renewal Resource Trust Fund be held until further action by the Legislature. The bill would require the Energy Commission, on or before March 31, 2006, to prepare a report, rather than an investment plan, describing the application of moneys collected between January 1, 2007, and January 1, 2012, and to describe the use of any funds applied toward program activities during the period January 1, 2002, through March 31, 2006.

This bill would require that beginning January 1, 2008, a seller of production homes, as defined, offer the option of a solar energy system, as defined, to all customers negotiating to purchase a new production home and to disclose certain information.

This bill would require that every electric service provider, upon request, make available to eligible customer generators contracts for net energy metering on a first-come-first-served basis until the time that the total rated generating capacity used by eligible customer generators exceeds 5% of the electric service provider's aggregate customer peak demand and would delete certain provisions of existing law relative to the annualized net metering calculation.

Because various provisions of this bill are within the act and require action by the PUC to implement the bill's requirements, a violation of those provisions would be a crime thereby imposing a state-mandated local program by creating a new crime.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: 2/3. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

STATUS:

12/06/2004

INTRODUCED.

01/27/2005

To SENATE Committee on ENERGY, UTILITIES AND COMMUNICATIONS.

Subject:

Environment

CA SB 107

AUTHOR:

Simitian (D)

COAUTHOR(S):

Perata (D)

TITLE:

Renewable Energy

LOCATION:

SENATE

CODE SECTION:

An act to amend Sections 25740, 25743, and 25744 of, and to repeal Sections 25745 and 25749 of, the Public Resources Code, and to amend Sections 387, 399.11, 399.12, 399.13, 399.14, 399.15, and 399.16 of, to add Section 399.17 to, and to add Article 9 (commencing with Section 635) to Chapter 3 of Part 1 of Division 1 of, the Public Utilities Code, relating to energy.

SUMMARY:

Revises and recasts language so that the amount of electricity generated per year from renewable energy resources is increased to an amount that equals at least 20% of the total electricity sold to retail customers per year by December 31, 2010. Requires the Energy Commission to establish a renewable energy credit trading program and to develop tracking, accounting, verification, and enforcement mechanisms for the program.

DIGEST:

LEGISLATIVE COUNSEL'S DIGEST

SB 107, as introduced, Simitian. Renewable energy.

(1) Existing law expresses the intent of the Legislature, in establishing the Renewable Energy Resources Program, to increase the amount of renewable electricity generated per year, so that it equals at least 17% of the total electricity generated for consumption in California per year by 2006.

This bill would revise and recast that intent language so that the amount of electricity generated per year from renewable energy resources is increased to an amount that equals at least 20% of the total electricity sold to retail customers in California per year by December 31, 2010. The bill would make conforming changes related to this provision.

(2) The Public Utilities Act imposes various duties and responsibilities on the Public Utilities Commission (CPUC) with respect to the purchase of electricity and requires the CPUC to review and adopt a procurement plan and a renewable energy procurement plan for each electrical corporation pursuant to the California Renewables Portfolio Standard Program. The program requires that a retail seller of electricity, including electrical corporations, community choice aggregators, and electric service providers, but not including local publicly owned electric utilities, purchase a specified minimum percentage of electricity generated by eligible renewable energy resources, as defined, in any given year as a specified percentage of total kilowatthours sold to retail end-use customers each calendar year (renewables portfolio standard). The renewables portfolio standard requires each electrical corporation to increase its total procurement of eligible renewable energy resources by at least an additional 1% of retail sales per year so that 20% of its retail sales are procured from eligible renewable energy resources no later than December 31, 2017.

This bill would instead require that each retail seller, as defined, increase its total procurement of eligible renewable energy resources by at least an additional 1% of retail sales per year so that 20% of its retail sales are procured from eligible renewable energy resources no later than December 31, 2010.

(3) Existing law requires the State Energy Resources Conservation and Development Commission (Energy Commission) to certify eligible renewable energy resources, to design and implement an accounting system to verify compliance with the renewables portfolio standard by retail sellers, and to allocate and award supplemental energy payments to cover above-market

This bill would require the Energy Commission to establish a renewable energy credit, as defined, trading program and to develop tracking, accounting, verification, and enforcement mechanisms for the program. The bill would prohibit the Energy Commission from certifying or awarding tradeable renewable energy credits for electricity generated pursuant to any electricity purchase contract with a retail seller executed before January 1, 2005, that does not contain explicit terms and conditions specifying the ownership or disposition of those credits. The bill would prohibit the Energy Commission from certifying or awarding tradeable renewable energy credits for electricity generated pursuant to any purchase contract executed after January 1, 2005, pursuant to a prescribed federal act. The bill would provide for the tracking of deliveries under these purchase contracts through a prescribed accounting system. The bill would additionally require the Energy Commission to require any retail seller of electricity that does not meet the requirements of the renewables portfolio standard by directly owning or purchasing electricity generated from eligible renewable energy resources, to purchase renewable energy credits for a quantity of electricity produced from eligible renewable energy resources, that is sufficient to make up the shortfall. The bill would require the CPUC to establish rules authorizing electrical corporations to meet the renewables portfolio standard requirements using renewable energy credits. The bill would require the rules to prohibit an electrical corporation from selling renewable energy credits associated with eligible renewable energy resources included in the corporation's baseline quantity on January 1, 2004. The bill would require the Energy Commission to certify, and would specify criteria for, the eligibility of renewable energy credits associated with electricity delivered to a local publicly owned electric utility by an eligible renewable energy resource, for purposes of compliance with the renewables portfolio standard by a retail seller. The bill would make other technical and conforming changes.

This bill would additionally require that the governing board of a local publicly owned electric utility annually report the utility's status in implementing a renewables portfolio standard and progress toward attaining the standard to its customers and to report to the Energy Commission the information that the governing board is required to annually report to their customers. These additional reporting requirements would thereby impose a state-mandated local program. The bill would require the Energy Commission to report to the Governor and Legislature no later than January 1, 2007, with recommendations for how to incentivize each local publicly owned electric utility to implement and enforce a renewables portfolio standard program consistent with the renewables portfolio standard program requirements applicable to a retail seller of electricity.

This bill would require that these funds be awarded only to a project that is selected by an electrical corporation pursuant to a competitive solicitation procedure found by the CPUC to comply with the Renewables Portfolio Standard Program and that the project participant has entered into an electricity purchase agreement resulting from that solicitation that is approved by the CPUC. The bill would authorize certain projects to receive supplemental energy payments under certain circumstances. The bill would revise existing criteria for Energy Commission

2/10/2005

Relates to the California Integrated Waste Management Act of 1989. Revises the definition of biomass conversion to mean the controlled combustion, thermal conversion, chemical conversion, or biological conversion, other than composting, of biomass waste used for producing electricity, heat, or a reconstituted product that meets the quality standards for use in the marketplace. Defines the term "biomass waste". Revises the definition of transformation to mean the incineration of mixed solid waste.

LEGISLATIVE COUNSEL'S DIGEST

(1) The existing California Integrated Waste Management Act of 1989 establishes an integrated waste management program administered by the California Integrated Waste Management Board. The act defines the term "biomass conversion" as meaning the controlled combustion of specified materials, when separated from other solid waste and used for producing electricity or heat, but excludes from that definition the controlled combustion of recyclable pulp or recyclable paper materials, or materials that contain sewage sludge, industrial sludge, medical waste, or specified hazardous or radioactive waste. The act also defines the term "transformation" as meaning incineration, pyrolysis, distillation, or biological conversion other than composting. The act provides that "transformation" does not include composting, gasification, or biomass conversion.

(2) The act requires each city, county, city and county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components. On and after January 1, 2000, the element is required to divert 50% of the solid waste subject to the element, except as specified, through source reduction, recycling, and composting activities. Existing law allows the 50% diversion requirement to include not more than 10% through transformation, as defined, if specified conditions are met, including that the city, county, or regional agency does not include biomass conversion in its source reduction and recycling element. Existing law also provides that, for a city, county, or regional agency source reduction and recycling element submitted to the board after January 1, 1995, the 50% diversion requirement may not include more than 10% through biomass conversion, if specified conditions are met, including that the element does not include transformation.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Environment, SolidWaste

An act to add Chapter 1.698 (commencing with Section 5096.700) to Division 5 of the Public Resources Code, relating to financing a program for the acquisition, development, and

preservation of park, recreational, water, coastal, agricultural land, air, cultural, and historical resources in the state, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds.

SUMMARY:

Enacts the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2006. Authorizes the issuance of bonds for the purpose of financing a program for the acquisition, development, and preservation of park, recreational, water, coastal, agricultural land, air, cultural, and historical resources.

DIGEST:

LEGISLATIVE COUNSEL'S DIGEST

SB 153, as introduced, Chesbro. California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2006.

Under existing law, programs have been established pursuant to bond acts for, among other things, the development and enhancement of state and local parks and recreational facilities.

This bill would enact the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2006, which, if adopted, would authorize, for the purpose of financing a program for the acquisition, development, and preservation of park, recreational, water, coastal, agricultural land, air, cultural, and historical resources, as specified, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$3,000,000,000.

Vote: 2/3. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

STATUS:

02/08/2005

INTRODUCED.

Subject:

AirQuality, Environment, Water

Private file: Water

CA AB 290

AUTHOR:

Leslie (R)

TITLE:

California Waterworks Standards

FISCAL COMMITTEE:

no

URGENCY CLAUSE:

no

LOCATION:

ASSEMBLY

CODE SECTION:

An act to amend Section 116550 of the Health and Safety Code, relating to public water systems.

SUMMARY:

Makes a technical, nonsubstantive change to the Calderon-Sher Safe Drinking Water Act which requires the Department of Health Services to adopt regulations covering water testing, monitoring of contaminants, frequency and method of sampling and testing, reporting the results, and other matters as may be necessary to assure the quality of domestic water supplies.

DIGEST:

LEGISLATIVE COUNSEL'S DIGEST

AB 290, as introduced, Leslie. California waterworks standards.

Existing law, the Calderon-Sher Safe Drinking Water Act of 1996, requires the State Department of Health Services to adopt regulations covering water testing, the monitoring of contaminants, the frequency and method of sampling and testing, the reporting of results, and other matters as may be necessary to determine and assure the quality of domestic water supplies. Existing law in part defines "public water system," for this purpose, to mean a system for the provision of piped water to the public for human consumption which has 5 or more service connections.

Existing law, with certain exceptions, prohibits changes in source of supply, method of treatment, or distribution systems pursuant to a valid permit, unless the changes are in compliance with the waterworks standards adopted by the department or a permit application is made to the department.

This bill would make a technical, nonsubstantive change.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

Environment, Water

Senate Natural Resources and Water Committee

Existing law requires the board to establish a fee schedule for persons filing a proof of claim to surface water rights, so that the fees are sufficient on average to pay the administrative expenses of the board in processing, reviewing, and preparing a report on the claims submitted to the board.

This bill would denominate those application fees as transactional fees and would require those fees to be sufficient on average to pay the actual cost incurred by the board in processing, reviewing, and preparing that report.

Existing law authorizes the board's regulations establishing water rights fees to include provisions for administration and collection. Existing law also requires the schedules of fees to be graduated in accordance with the number of diversions or amount of water involved.

This bill would delete those provisions.

Existing law specifies that if the United States or an Indian tribe otherwise required to pay a fee or expense imposed by the board will not pay it due to sovereign immunity, the board may allocate the fee or expense to those who have contracts for the delivery of the water.

This bill would instead authorize the board to make allocations of these fees and expenses to persons or entities that directly receive a benefit from, or impose a burden on, the board due to the permit or license held by the sovereign entity. The bill would also authorize these allocations in cases where the sovereign pays a portion of the fee or expense. The bill would require these allocations to be based upon the quantity of water that the payor is entitled to use.

Existing law authorizes money in the Water Rights Fund to be used by the board, upon appropriation, for prescribed purposes.

This bill would preclude use of the fund for investigating or processing administrative complaints involving water rights or for investigations or proceedings commenced by other than the water right holder for the protection of fish, wildlife, water quality, or other natural resources.

Existing law authorizes the board to establish reasonable fees to cover costs incurred by its and by regional water quality control boards in connection with certificates required or authorized by federal law with respect to the effect of any existing or proposed facility, project, or construction work upon the quality of waters in the state. Under existing law these fees may be imposed as a single fee or as periodic or annual charges. Existing law specifies the persons upon whom the fee may be imposed.

This bill would substantially revise and recast these provisions and would, among other things, preclude periodic or annual fees. The bill would require the fees to be based upon the board's estimate of its average annual cost in conducting the actions or proceedings listed in the schedule of fees. The bill would require the fees to be developed assuming allocation to the parties and entities involved in the proceeding. The bill would require the board to impose prescribed additional fees in any proceeding involving an evidentiary hearing. The bill would require refund of the portion of fees that exceed the board's costs and would require the board to maintain records of costs determined as specified. The bill would authorize the board to waive fees to the extent moneys therefore are made available to the Division of Water Rights from the General Fund. The bill would specify that, if board staff participates in a hearing through introduction of evidence or cross-examination, proportionate costs shall be allocated to the board.

The bill would declare that it would take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

STATUS:
12/09/2004
01/27/2005
Subject:

INTRODUCED.
To SENATE Committee on NATURAL RESOURCES AND WATER.
Water

CA SB 113

AUTHOR:
TITLE:
LOCATION:
CODE SECTION:

Machado (D)
California Bay-Delta Authority Act
SENATE

SUMMARY:

DIGEST:

SB 113, as introduced, Machado. California Bay-Delta Authority Act.

This bill would require the authority, in undertaking that review, approval, or modification, to consider the extent to which those plans or expenditures are consistent with the "beneficiary pays principle," as defined.

STATUS:

INTRODUCED.

Environment, Water

March 2005 Events

Visit www.scag.ca.gov for the latest information.

| Sunday | | Monday | | Tuesday | | Wednesday | | Thursday | | Friday | | Saturday | |
|--------|--|--------------------------------|--|--|--|--|--|---|--|--------------------------------|--|----------|--|
| | | | | 1 11:00a Communication & Membership | | 2 Gateway Cities COG Board Meeting 11:30a ASPA | | 3 8:00a Executive 9:00a ADMIN 10:30a EEC 10:30a CEHD 10:30a TCC 12:30p RC | | 4 AQMD Board 10:00a VCTC | | 5 | |
| 6 | | 7 WRCOG Executive Committee | | 8 | | 9 9:00a RCTC | | 10 Independent Cities Association VCOG 10:00a ATAC | | 11 | | 12 | |
| 13 | | 14 OCTA | | 15 | | 16 UCLA Economic Forecast Conference 9:30a Goods Movement 11:15a MAGLEV | | 17 SGVCOG | | 18 | | 19 | |
| 20 | | 21 | | 22 10:00a Transportation Conformity Working Group | | 23 9:30a Modeling Task Force | | 24 OCCOG Board SBCCOG 9:30a Subregional Coordinators | | 25 | | 26 | |
| 27 | | 28 CVAG Board OCTA | | 29 | | 30 11:00a Benchmarks Task Force | | 31 | | | | | |

INFORMATIONAL ONLY. DATES/TIMES SUBJECT TO CHANGE WITHOUT NOTICE

Printed February 17, 2005

April 2005 Events

Visit www.scag.ca.gov for the latest information.

| | | 1 | | 2 | |
|--|--|--|--|----|--|
| | | Congressional Spring District Work Period ACMD Board 10:00a VCTC | | | |
| | | 8 | | 9 | |
| | | LA County League of Cities 8:00a Executive 9:00a ADMIN 10:30a EEC 10:30a CEHD 10:30a TCC 12:30p RC | | | |
| | | 15 | | 16 | |
| | | 10:00a Water Policy 10:00a Aviation Technical Advisory Committee (location varies) 12:00p Strategic Plan | | | |
| | | 22 | | 23 | |
| | | SGVCOG 1:30p RSTIS | | | |
| | | 29 | | 30 | |
| | | OCCOG Board SBCCOG San Bernardino County City/County Managers TAC 9:30a Subregional Coordinators | | | |

INFORMATIONAL ONLY. DATES/TIMES SUBJECT TO CHANGE WITHOUT NOTICE

Printed February 17, 2005

May 2005 Events

Visit www.scag.ca.gov for the latest information.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|----|--|--|---|---|--------------------|----|
| | | 11:00a Communication & Membership | SCAG 2005 General Assembly Gateway Cities COG 11:30a ASPA | 8:00a Executive 9:00a ADMIN 10:30a EEC 10:30a CEHD 10:30a TCC 12:30p RC | AQMD Board VCTC | |
| 8 | 9 OCTA | 10 | 11 9:00a RCTC | 12 VCOG 10:00a Aviation Technical Advisory Committee (location varies) | 13 | 14 |
| 15 | 16 | 17 | 18 9:30a Goods Movement 11:15a MAGLEV | 19 SGVCOG | 20 | 21 |
| 22 | 23 OCTA | 24 10:00a Transportation Conformity Working Group | 25 9:30a Modeling Task Force | 26 San Bernardino County City/County Managers TAC SBCCOG 9:30a Subregional Coordinators | 27 | 28 |
| 29 | 30 MEMORIAL DAY - SCAG OFFICES CLOSED | 31 11:00a Communication & Membership | | | | |

INFORMATIONAL ONLY. DATES/TIMES SUBJECT TO CHANGE WITHOUT NOTICE

Printed February 17, 2005

REPORT

TO: Energy and Environment Committee (EEC)
Regional Council (RC)

FROM: Ted Harris, Air Quality Program Lead, harrist@scag.ca.gov, (213) 236-1916

DATE: March 3, 2005

RE: Conformity Determination for the 8-hour Ozone Standard

EXECUTIVE DIRECTOR'S APPROVAL:

David Lachis for Mark Jones

EEC RECOMMENDED ACTION

Recommend that the Regional Council adopt Resolution 05-461-1 approving the conformity determination for the 8-Hour Ozone Standard for the 2004 Regional Transportation Plan and the 2004 Regional Transportation Improvement Program.

RC RECOMMENDED ACTION

Adopt Resolution 05-461-1 approving the conformity determination for the 8-Hour Ozone Standard for the 2004 Regional Transportation Plan and the 2004 Regional Transportation Improvement Program.

SUMMARY

This memo summarizes the proposed conformity findings for the 8-hour ozone standard for the 2004 Regional Transportation Plan (RTP) and the 2004 Regional Transportation Improvement Program (RTIP).

Key 8-hour Ozone Requirements:

The new federal conformity regulation for 8-hour ozone requires the Southern California Association of Governments (SCAG) to receive approval from the United States Department of Transportation (US DOT) on SCAG's conformity determination by June 15, 2005. Non-attainment area designations for the new 8-hour ozone standard became effective on June 15, 2004, and an approved conformity determination is required one year after the effective date. If US DOT does not approve SCAG's determination by June 15, 2005, then the region's conformity will lapse.

Table 1 presents 8-hour ozone non-attainment areas in the SCAG region. New ozone attainment years in the region include 2007 for Imperial County, 2010 for the Western portion of the Mojave Desert Air Basin, 2010 for Ventura County (South Central Coast Air Basin), 2013 for Coachella Valley (Salton Sea Air Basin), and 2021 for the South Coast Air Basin (SCAB).



REPORT

Table 1: SCAG Region – Eight-hour Ozone Non-attainment Areas

| Non-attainment Area | Classification | Maximum Attainment Date |
|--|----------------|-------------------------|
| South Coast Air Basin (SCAB) | Severe-17 | 2021 |
| Coachella Valley – Salton Sea Air Basin (SSAB) | Serious | 2013 |
| Western Portion of Mojave Desert Air Basin (MDAB) [San Bernardino County and Antelope Valley] | Moderate | 2010 |
| Ventura County – South Central Coast Air Basin (SCCAB) | Moderate | 2010 |
| Imperial County (SSAB) | Marginal | 2007 |

The Southern California Transportation Conformity Working Group (TCWG) and the Energy and Environment Committee developed an efficient process to obtain an approved 8-hour ozone conformity determination for the 2004 RTP and RTIP

(<http://www.scag.ca.gov/tcwg/index.htm>). This process entails reaffirming previously approved ozone analyses and findings for the 2004 RTP and 2004 RTIP and addressing additional analyses required by the new 8-hour standard.

Reaffirming Ozone Analysis and Findings:

The 8-hour ozone conformity determination includes a reaffirmation of the approved conformity findings for both the 2004 RTP and the 2004 RTIP. This reaffirmation includes regional emissions analyses, financial constraint test, timely implementation of Transportation Control Measures (TCMs) report, the use of the latest planning assumptions and the latest approved emissions model, and the appropriate documentation of findings, including reaffirming the process for interagency consultation and public participation. Until new 8-hour budgets are approved, the new federal conformity regulation for 8-hour ozone authorizes the use of previously approved ozone analyses and findings. Specifically, the 8-hour rule requires the use of existing 1-hour ozone emission budgets where existing 1-hour and new 8-hour boundaries are the same (93.109(e)(2)(i)) or where an existing 1-hour area can be divided into the appropriate geography of the 8-hour areas (93.109(e)(2)(ii)).

In the SCAG region, existing 1-hour ozone emission budgets apply for 8-hour ozone conformity determinations until new 8-hour budgets have been approved. The 1-hour ozone non-attainment areas in Ventura County and the South Coast Air Basin (SCAB) are identical to the 8-hour non-attainment areas. Thus, the 1-hour ozone budget can be used as-is for Ventura County and SCAB. Likewise, the 1-hour budgets for the Southeast Desert Modified Air Basin (SEDAB) can be divided into two sets of 8-hour budgets for Coachella Valley and the Western Mojave Desert Air Basin.

Imperial County is the only 8-hour ozone non-attainment area in the SCAG region that does not have an approved 1-hour ozone budget. For Imperial County, the previously approved interim emission test performed for the 1-hour standard also fulfills the 8-hour ozone requirement. Thus, the ozone conformity finding for Imperial County is reaffirmed in the 8-hour ozone conformity determination for both the 2004 RTP and 2004 RTIP.

Overall, the budgets, analyses, and findings for the 1-hour standard apply to the 8-hour conformity determination, and the 8-hour conformity determination reaffirms the approved ozone determinations for both the 2004 RTP and 2004 RTIP.

Additional Analysis:

In addition to reaffirming previous conformity findings, the 8-hour ozone conformity determination includes additional analysis and refined findings. The 8-hour determination includes additional regional emissions analysis for the new attainment years in the Coachella Valley portion of the Salton Sea Air Basin (SSAB) (2013) and the South Coast Air Basin (2021), although 2020 may be used in future 8-hour conformity determination for the SCAB. The 8-hour determination refines the conformity findings for the Southeast Desert Modified area to reflect the two new 8-hour ozone non-attainment areas, the Western Portion of the Mojave Desert Air Basin (MDAB) and the Coachella Valley portion of the Salton Sea Air Basin (SSAB). In summary, all of the additional analysis is consistent with the applicable budgets.

Proposed Conformity Determinations

SCAG has determined the following conformity findings for the 2004 RTP and the 2004 RTIP under the required Federal tests for 8-Hour Ozone:

✓ **Regional Emissions Tests**

- Finding: SCAG's 2004 RTP/RTIP regional emissions for Ozone precursors are consistent with all applicable emissions budgets for all milestone, attainment, and planning horizon years for the following areas:
 - SCAB (2003 Ozone SIP)
 - SCCAB (Ventura County- 2004 Ozone SIP)
 - Coachella Valley SSAB (2004 Ozone SIP)
 - Western MDAB (2004 Ozone SIP)
- Finding: SCAG's 2004 RTP/RTIP regional emissions (build scenario) for Ozone precursors are less than the no-build emissions for the Imperial County portion of SSAB.

✓ **Reaffirmation of 2004 RTP/RTIP Conformity Tests**

- Finding: SCAG reaffirms the applicable conformity findings for both the 2004 RTP and the 2004 RTIP, which can be viewed at:

<http://www.scag.ca.gov/rtp2001/2004draft/techappendix/FinalTechAppend.htm>
and: <http://www.scag.ca.gov/RTIP/final04/Sec1.pdf>

REPORT

- This reaffirmation covers the findings for all applicable pollutants, including regional emissions analyses, financial constraint test, timely implementation of Transportation Control Measures (TCMs) report, applying the use of the latest planning assumptions and the latest approved emissions model, reaffirming consistency between the adopted 2004 RTIP and the adopted 2004 RTP, and reaffirming the process for interagency consultation and public participation.

✓ **Inter-agency Consultation and Public Involvement Test**

- Finding: In addition to reaffirming the already conducted public involvement and interagency consultation test for the 2004 RTP/RTIP, the 8-hour ozone conformity determination underwent an appropriate process for interagency consultation and public participation.

Conclusion:

The conformity determination and findings for the 8-hour ozone entail reaffirming previously approved ozone conformity findings, including additional emissions analyses for two additional milestone years, and refining the ozone finding to represent Coachella Valley and the Western Portion of the Mojave Desert.

ATTACHMENTS

RESOLUTION No.05-461-1

PowerPoint Presentation for the Energy and Environment Committee

The following items will be mailed under separate cover after the close of public comment period on 2/18/05:

8-hour Ozone Conformity Finding


Conformity Determination for Searles Valley

Supplemental Regional Emissions Data—Growth Visioning

FISCAL IMPACT

The staff resources for determining air quality conformity for the new 8-hour standard are contained within the Fiscal Year 2004/05 SCAG budget.



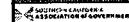



Energy and Environment Committee

Proposed 8-hour Ozone Conformity Determination

Ted Harris
 Air Quality Program Lead
 Southern California
 Association of Governments


March 3, 2005



 Proposed 8-hour Ozone Conformity Determination



8-hour ozone Overview


- New Standard
- Boundaries
- Conformity Process

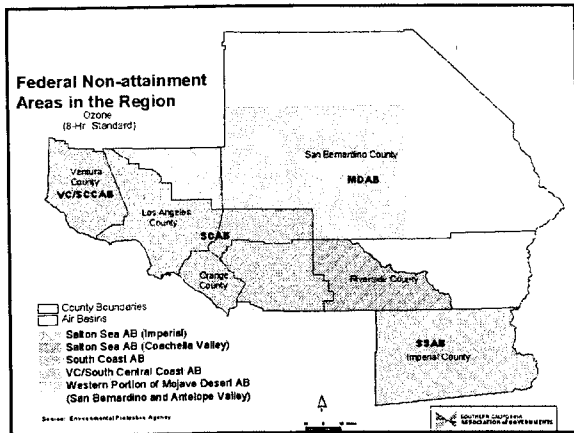

 Proposed 8-hour Ozone Conformity Determination



New 8-hour ozone standard

- Same pollutant as 1-hour ozone standard
 - Reading over an 8-hour period rather than a 1-hour period
- 8-hour conformity applies: June 15, 2005
 - US DOT must approve the determination by 6/15/05 or conformity lapse
- Adequate 1-hour ozone budgets apply until new 8-hour budgets are approved (~2007)


 Proposed 8-hour Ozone Conformity Determination




SCAG 8-hour Ozone Non-attainment Areas

| Non-attainment Area | Class. | Maximum Attainment Date |
|---|-----------|-------------------------|
| South Coast Air Basin (SCAB) | Severe-17 | 2021 |
| Coachella Valley Salt on Sea Air Basin (SSAB) | Serious | 2013 |
| Western Portion of Mojave Desert Air Basin (MDAB) [San Bernardino County and Antelope Valley] | Moderate | 2010 |
| Ventura County South Central Coast Air Basin (SCCAB) | Moderate | 2010 |
| Imperial County (SSAB) | Marginal | 2007 |

Source: Southern California Association of Governments

Proposed 8-hour Ozone Conformity Determination

- Process for 8-hour Conformity Determination**
- Interagency consultation
 - Reaffirm existing conformity findings for 2004 RTP/RTIP with supplemental analysis and refined findings
 - Supplemental emissions analysis for new attainment years
 - Coachella Valley-2013
 - SCAB-2021
 - Public participation process
 - US DOT approval
- Source: Southern California Association of Governments
- Proposed 8-hour Ozone Conformity Determination



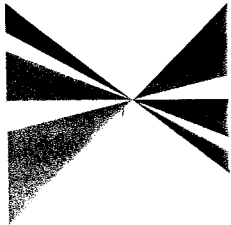
Next Step

- EEC considers recommending RC approve Resolution 05-461- 1
- RC considers approval of Resolution 05-461- 1
- FHWA and FTA approve SCAG's Determination before June 15, 2005

SCAG REGIONAL COUNCIL OF GOVERNMENTS

Proposed 8-hour Ozone Conformity Determination

SOUTHERN CALIFORNIA



**ASSOCIATION of
GOVERNMENTS**

Main Office

818 West Seventh Street

12th Floor

Los Angeles, California

90017-3435

t (213) 236-1800

f (213) 236-1825

www.scag.ca.gov

Officers: President: Mayor Pro Tem Ron Roberts, Temecula • First Vice President: Councilmember Toni Young, Port Hueneme • Second Vice President: Vacant

Imperial County: Victor Carrillo, Imperial County, Jo Shields, Brawley

Los Angeles County: Yvonne Brathwaite Burke, Los Angeles County • Zev Yaroslavsky, Los Angeles County • Jim Aldinger, Manhattan Beach • Harry Baldwin, San Gabriel • Paul Bowlen, Cerritos • Tony Cardenas, Los Angeles • Margaret Clark, Rosemead • Gene Daniels, Paramount • Mike Dispenza, Palmdale • Judy Dunlap, Inglewood • Rae Gabelich, Long Beach • Eric Garcetti, Los Angeles • Wendy Greuel, Los Angeles • Frank Gurulé, Cudahy • James Hahn, Los Angeles • Janice Hahn, Los Angeles • Isadore Hall, Compton • Tom LaBonge, Los Angeles • Martin Ludlow, Los Angeles • Llewellyn Miller, Claremont • Cindy Miskowski, Los Angeles • Paul Nowatka, Torrance • Pam O'Connor, Santa Monica • Alex Padilla, Los Angeles • Bernard Parks, Los Angeles • Jan Perry, Los Angeles • Beatrice Proo, Pico Rivera • Ed Reyes, Los Angeles • Greig Smith, Los Angeles • Dick Stanford, Azusa • Tom Sykes, Walnut • Paul Talbot, Alhambra • Sidney Tyler, Pasadena • Tonia Reyes Uranga, Long Beach • Antonio Villaraigosa, Los Angeles • Dennis Washburn, Calabasas • Jack Weiss, Los Angeles • Bob Yousefian, Glendale • Dennis Zine, Los Angeles

Orange County: Chris Norby, Orange County • John Beauman, Brea • Lou Bone, Tustin • Art Brown, Buena Park • Richard Chavez, Anaheim • Debbie Cook, Huntington Beach • Cathryn DeYoung, Laguna Niguel • Richard Dixon, Lake Forest • Marilyn Poe, Los Alamitos • Tod Ridgeway, Newport Beach

Riverside County: Jeff Stone, Riverside County • Thomas Buckley, Lake Elsinore • Bonnie Flickinger, Moreno Valley • Ron Loveridge, Riverside • Greg Pettis, Cathedral City • Ron Roberts, Temecula

San Bernardino County: Gary Ovitt, San Bernardino County • Bill Alexander, Rancho Cucamonga • Lawrence Dale, Barstow • Lee Ann Garcia, Grand Terrace • Susan Longville, San Bernardino • Deborah Robertson, Rialto

Ventura County: Judy Mikels, Ventura County • Glen Becerra, Simi Valley • Carl Morehouse, San Buenaventura • Toni Young, Port Hueneme

Orange County Transportation Authority: Lou Correa, County of Orange

Riverside County Transportation Commission: Robin Lowe, Hemet

Ventura County Transportation Commission: Keith Millhouse, Moorpark

RESOLUTION No. 05-461-1

RESOLUTION OF

**SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS
TO ADOPT THE CONFORMITY DETERMINATION FOR THE 8-HOUR
OZONE STANDARD FOR THE 2004 REGIONAL TRANSPORTATION PLAN
AND THE 2004 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM**

WHEREAS, the Southern California Association of Governments (SCAG) is the federally designated Metropolitan Planning Organization (MPO) pursuant to 23 U.S.C. §134(a) and (g) for the Counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino and Ventura, and as such, is responsible for the preparation, adoption and regular revision of the Regional Transportation Plan (RTP) and the Regional Transportation Improvement Program (RTIP) pursuant to 23 U.S.C. §§134(g) 49 U.S.C. §5303(f) and 23 C.F.R. §450.312;

WHEREAS, pursuant to Section 130004 of the California Public Utilities Code, SCAG is the designated Regional Transportation Planning Agency and, as such, is responsible for preparation of both the RTP and RTIP under California Government Code §§ 65080 and 65082 respectively; and

WHEREAS, 42 U.S.C. § 7506(c)(1) requires SCAG's 2004 RTP and 2004 RTIP to conform with the applicable State Implementation Plan (SIPs) developed for the federal non-attainment and maintenance areas in the Mojave Desert Air Basin, the Ventura County portion of the South Central Coast Air Basin, the South Coast Air Basin, and the Salton Sea Air Basin;

WHEREAS, SCAG, as the designated MPO, is required to comply with Sections 174 and 176(c) and (d) of the Clean Air Act [42 U.S.C. §§ 7504, 7506(c) and (d)];

WHEREAS, 23 U.S.C. § 134(h)(2)(C) and 23 C.F.R. § 450.324(f)(2) requires the 2004 RTIP to be consistent with the 2004 RTP;

WHEREAS, SCAG has worked concurrently with local, state and federal jurisdictions in a continuing, cooperative and comprehensive manner as required by provisions of Federal and State law on the transportation planning processes;

WHEREAS, federal regulations at 23 CFR § 450.332(e) require that in non-attainment and maintenance areas, funding priority be given to timely implementation of transportation control measures (TCMs) contained in the applicable SIPs in accordance with the conformity regulations at 40 CFR Parts 51 and 93;



WHEREAS, 23 U.S.C. § 134(a), 49 U.S.C. § 5301 *et seq.*, 23 CFR § 450.312, and 49 CFR § 613.100 require SCAG, as the designated MPO, to maintain a continuing, cooperative and comprehensive transportation planning process in its development of the RTP and RTIP;

WHEREAS, on April 15, 2004 the United States Environmental Protection Agency promulgated the final designations for 8-hour ozone non-attainment areas;

WHEREAS, non-attainment area designations for the new 8-hour ozone standard became effective on June 15, 2004, and an approved conformity determination is required one year after the effective date;

WHEREAS, new federal conformity regulation for requires the Southern California Association of Governments (SCAG) to receive approval from the United States Department of Transportation (US DOT) on SCAG's conformity determination by June 15, 2005;

WHEREAS, 8-hour ozone non-attainment areas in the SCAG region include: 1) South Coast Air Basin (SCAB), 2) Coachella Valley – Salton Sea Air Basin (SSAB), 3) Western Portion of Mojave Desert Air Basin (MDAB) [San Bernardino County and Antelope Valley], 4) Imperial County (SSAB) 5) Ventura County – South Central Coast Air Basin (SCCAB);

WHEREAS, the Southern California Transportation Conformity Working Group (TCWG) and the Energy and Environment Committee developed an efficient process to obtain an approved 8-hour ozone conformity determination for the 2004 RTP and RTIP;

WHEREAS, the 8-hour conformity determination entails reaffirming previously approved ozone analyses and findings for the 2004 RTP and 2004 RTIP;

WHEREAS, the 8-hour conformity determination includes additional regional emissions analysis for the new attainment years in the Coachella Valley portion of the Salton Sea Air Basin (SSAB) (2013) and the South Coast Air Basin (2021);

WHEREAS, the 8-hour determination refines the conformity findings for the Southeast Desert Modified area to reflect the two new 8-hour ozone non-attainment areas, the Western Portion of the Mojave Desert Air Basin (MDAB) and the Coachella Valley portion of the Salton Sea Air Basin (SSAB);

WHEREAS, the conformity rule interim emissions test, known as *build/no build*, now requires build emissions to be less than or equal to emissions from the no build scenario and is waived altogether in areas with identical build and no-build scenarios.

WHEREAS, The Searles Valley planning area is designated as a particulate matter (PM10) federal non-attainment area. There are no proposed projects in the 2004 Regional Transportation Plan and Improvement Program (RTP/RTIP) in the Searles Valley area. Therefore, there are no differences between the 2004 RTP/RTIP build scenario and the No Project/no build scenario.

WHEREAS, the Draft Conformity Determination for the 8-hour Ozone Standard was available for public review and comment from January 18, 2005 to February 18, 2005;

WHEREAS, a public hearing was conducted at the Southern California Association of Governments on February 3, 2005;

NOW, THEREFORE BE IT RESOLVED that:

(1) Southern California Association of Governments finds as follows:

- (a) SCAG's 2004 RTP/RTIP regional emissions for Ozone precursors are consistent with all applicable emissions budgets for all milestone, attainment, and planning horizon years for the South Coast Air Basin (2003 Ozone SIP), the South Central Coast Air Basin (Ventura County- 2004 Ozone SIP), Coachella Valley Salton Sea Air Basin (2004 Ozone SIP), and the Western Mojave Desert Air Basin (2004 Ozone SIP);
- (b) SCAG's 2004 RTP/RTIP regional emissions (build scenario) for Ozone precursors are less than the no-build emissions for the Imperial County portion of Salton Sea Air Basin;
- (c) The build and no build scenarios are identical in Searles Valley, and the associated emissions are equal under both scenarios. Therefore, transportation activity in the Searles Valley conforms to the applicable federal transportation air quality conformity requirements.
- (d) The conformity findings for both the 2004 RTP and the 2004 RTIP are reaffirmed for all applicable pollutants, including regional emissions analyses, financial constraint test, timely implementation of Transportation Control Measures (TCMs) report, applying the use of the latest planning assumptions and the latest approved emissions model, reaffirming consistency between the adopted 2004 RTIP and the adopted 2004 RTP, and reaffirming the process for interagency consultation and public participation;

- (e) In addition to reaffirming the already conducted public involvement and interagency consultation test for the 2004 RTP/RTIP, the 8-hour ozone conformity underwent the appropriate process for interagency consultation and public participation;
- (2) The Regional Council hereby adopts the conformity findings for all federal non-attainment and maintenance areas in the SCAG region, and the Conformity Determination for the 8-hour Ozone Standard for the 2004 RTP and the 2004 RTIP will be transmitted to the Federal Transit Administration and the Federal Highway Administration to make the final conformity determination in accordance with the Federal Clean Air Act and EPA Transportation Conformity Rule at 40 CFR Parts 51 and 93

Adopted by the Regional Council of the Southern California Association of Governments at a regular meeting on this 3rd day of March 2005.

Ronald Roberts
President
Mayor Pro Tem, City of Temecula

Mark Pisano
Executive Director

Attest: _____
Karen Tachiki
Chief Counsel

REPORT

DATE: March 3, 2005
TO: The Energy and Environment Committee (EEC)
FROM: Charlotte Pienkos, Government Affairs Analyst
SUBJECT: H.R. 18 (Baca) Southern California Groundwater Remediation Act

EXECUTIVE DIRECTOR'S APPROVAL *Kate Jackson for Mark P. Ward*

RECOMMENDED ACTION: Support with amendments

SUMMARY:

At its meeting on February 10th, the Water Policy Task Force discussed H.R. 18, introduced by Congressman Joe Baca (D-CA 43rd), regarding groundwater remediation. The bill, known as the Southern California Groundwater Remediation Act, appropriates \$50 million in federal funding for remediation activity in the Santa Ana River watershed. After discussion, the Task Force directed staff to bring H.R. 18 to the EEC with a recommendation. Because the proposed program would assist the ongoing clean-up efforts in the Santa Ana basin, a support position is warranted. Amendments, however, could refine the bill and prevent misunderstanding about the scope of the intended program.

BACKGROUND:

At its meeting on February 10th, the Water Policy Task Force discussed H.R. 18, introduced by Congressman Joe Baca (D-CA 43rd), regarding groundwater remediation. The bill, known as the Southern California Groundwater Remediation Act, appropriates \$50 million in federal funding for remediation activity in the Santa Ana River watershed. The bill contemplates a 35% local match and counts expenditures made on groundwater projects since January 1, 2000 toward the local match. Broadly written but brief, H.R. 18 appears to promise assistance for a variety of projects and their associated, legally mandated costs. H.R. 18 follows in the tradition of other recently enacted groundwater bills benefiting Southern California, including one introduced by Congressman David Dreier for the San Gabriel River watershed.

In response to concerns expressed by the Task Force, staff was asked to re-confer with the author's staff and clarify certain provisions in the bill, including the meaning intended by its title, "Southern California Groundwater Remediation Act." Although the Santa Ana River basin is approximately 2,000 square miles in size, it does not extend throughout all Southern California counties, and confusion may arise about the scope of the program as a result.

Due to the great need for federal funds for groundwater remediation throughout Southern California, staff recommends a support position for H.R. 18. Clarification is needed, however, about the funding mechanism, scope of the program, and the meaning of the title. Staff

recommends the Committee temper its support with a request for an amendment to address the title to accurately reflect the scope of the remediation program.

BILL STATUS: H.R. 18 was referred on January 4th to the House Committee on Resources Subcommittee. No hearing has been scheduled.

FISCAL IMPACT:

All work related to adopting the recommended staff action is contained within the adopted FY 04/05 budget and adopted 2005 SCAG Legislative Program and does not require the allocation of any additional financial resources.



HR 18 IH

109th CONGRESS

1st Session

H. R. 18

To authorize the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a balanced, long-term groundwater remediation program in California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

January 4, 2005

Mr. BACA (for himself, Mrs. NAPOLITANO, Mr. CALVERT, and Mr. GARY G. MILLER of California) introduced the following bill; which was referred to the Committee on Resources

A BILL

To authorize the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a balanced, long-term groundwater remediation program in California, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Southern California Groundwater Remediation Act'.

SEC. 2. DEFINITIONS.

For the purposes of this Act:

- (1) GROUNDWATER REMEDIATION- The term `groundwater remediation' means actions that are necessary to prevent, minimize, clean up, or mitigate damage to groundwater.
- (2) LOCAL WATER AUTHORITY- The term `local water authority' means a currently existing (on the date of the enactment of this Act) public water district, public water utility, public water planning agency, municipality, or Indian Tribe located within the natural watershed of the Santa Ana River in the State of California.
- (3) REMEDIATION FUND- The term `Remediation Fund' means the Southern California Groundwater Remediation Fund established pursuant to section 3(a).
- (4) SECRETARY- The term `Secretary' means the Secretary of the Interior.

SEC. 3. SOUTHERN CALIFORNIA GROUNDWATER REMEDIATION.

(a) Southern California Groundwater Remediation-

- (1) ESTABLISHMENT OF REMEDIATION FUND- There shall be established within the Treasury of the United States an interest bearing account to be known as the `Southern California Groundwater Remediation Fund'.
- (2) ADMINISTRATION OF REMEDIATION FUND- The Remediation Fund shall be administered by the Secretary,

acting through the Bureau of Reclamation. The Secretary shall administer the Remediation Fund in cooperation with the local water authority.

(3) PURPOSES OF REMEDIATION FUND-

(A) IN GENERAL- Subject to subparagraph (B), the amounts in the Remediation Fund, including interest accrued, shall be used by the Secretary to provide grants to the local water authority to reimburse the local water authority for the Federal share of the costs associated with designing and constructing groundwater remediation projects to be administered by the local water authority.

(B) COST-SHARING LIMITATION-

(i) IN GENERAL- The Secretary may not obligate any funds appropriated to the Remediation Fund in a fiscal year until the Secretary has deposited into the Remediation Fund an amount provided by non-Federal interests sufficient to ensure that at least 35 percent of any funds obligated by the Secretary for a groundwater remediation project are from funds provided to the Secretary for that project by the non-Federal interests.

(ii) NON-FEDERAL RESPONSIBILITY- Each local water authority shall be responsible for providing the non-Federal amount required by clause (i) for projects under that local water authority. The State of California, local government agencies, and private entities may provide all or any portion of the non-Federal amount.

(iii) CREDITS TOWARD NON-FEDERAL SHARE- For purposes of clause (ii), the Secretary shall credit the appropriate local water authority with the value of all prior expenditures by non-Federal interests made after January 1, 2000, that are compatible with the purposes of this section, including--

(I) all expenditures made by non-Federal interests to design and construct groundwater remediation projects, including expenditures associated with environmental analyses, and public involvement activities that were required to implement the groundwater remediation projects in compliance with applicable Federal and State laws; and

(II) all expenditures made by non-Federal interests to acquire lands, easements, rights-of-way, relocations, disposal areas, and water rights that were required to implement a groundwater remediation project.

(b) Compliance With Applicable Law- In carrying out the activities described in this section, the Secretary shall comply with any applicable Federal and State laws.

(c) Relationship to Other Activities- Nothing in this section shall be construed to affect other Federal or State authorities that are being used or may be used to facilitate remediation and protection of the groundwater the natural watershed of the Santa Ana River in the State of California. In carrying out the activities described in this section, the Secretary shall integrate such activities with ongoing Federal and State projects and activities. None of the funds made available for such activities pursuant to this section shall be counted against any Federal authorization ceiling established for any previously authorized Federal projects or activities.

(d) Financial Statements and Audits- The Secretary shall ensure that all funds obligated and disbursed under this Act and expended by a local water authority, are accounted for in accordance with generally accepted accounting principles and are subjected to regular audits in accordance with applicable procedures, manuals, and circulars of the Department of the Interior and the Office of Management and Budget.

(e) Authorization of Appropriations- There is authorized to be appropriated to the Remediation Fund \$50,000,000. Such funds shall remain available until expended.

END

MEMO

Date: March 3, 2004
To: Energy and Environment Committee (EEC)
From: Jacob Lieb, Acting Lead Regional Planner, (213) 236-1921, lieb@scag.ca.gov
Subject: Environmental Justice Review of 2004 Regional Transportation Plan (RTP)

SUMMARY

At the direction of the Energy and Environment Committee (EEC), staff will convene a group of Environmental Justice experts to review SCAG's efforts for the recently completed 2004 RTP, and to provide suggestions for future processes.

BACKGROUND

As the designated Regional Transportation Planning Agency (RTPA) for Southern California, SCAG is required by Title VI of the Federal Civil Rights Act, along with associated executive orders and regulations, to include Environmental Justice in its planning efforts. SCAG is required to ensure that the benefits and burdens of its programs are fairly distributed.

SCAG's Environmental Justice Program efforts are carried out in two ways:

1. SCAG endeavors to include minority, low income, and under-served communities in its planning efforts, and
2. SCAG conducts technical analysis of its plans in order to determine the presence or lack of equitable distribution of benefits and costs.

SCAG detailed its Environmental Justice Program in Appendix G of the 2004 RTP. The Energy and Environment Committee has asked staff to review its procedures and to consult with Environmental Justice experts on our practices. Staff has assembled a list of approximately 30 academics, activists and peers for this purpose and will convene a roundtable meeting within the next month. The meeting will be open to any interested attendees, and may continue into a series of workshops depending on EEC guidance.

Members of the EEC will be informed when meetings are scheduled, and staff will subsequently report to the Committee in order to seek additional direction.

MEMO

DATE: February 14, 2005

TO: Energy and Environment Committee

FROM: Alan Thompson, Senior Regional Planner
(213) 236-1940 thompson@scag.ca.gov

SUBJECT: Energy Efficiency Financing

BACKGROUND:

The California Energy Commission has an Energy Efficiency Financing Program that provides low-interest financing for schools, hospitals and local governments for feasibility studies and the installation of energy saving measures.

Public schools, hospitals, cities, counties, special districts and public care institutions are eligible for the loans. Eligible projects include:

- Energy audits
- Feasibility studies
- Lighting
- Motors or variable frequency drives and pumps
- Building insulation
- Heating and air conditioning modifications
- Automated energy management systems
- Energy generation, including renewable energy projects
- Streetlights/LED traffic signals

There is no minimum loan amount, but the maximum is \$1 million, with a total of \$5 million available. Energy Efficiency projects must be technically and economically feasible. Projects must have a simple payback of 9.8 years or less based on energy cost savings. Projects must meet the following criteria:

- Loans for energy projects must be repaid from savings within 15 years, including principle and interest
- Loans to be used only for energy audit studies must be repaid within two years
- The loan term cannot exceed the useful life of loan-funded equipment
- Projects can start once the application is on file with the Energy Commission. Only project-related costs with invoices dated after loans are officially awarded by the Energy Commission at a Business Meeting are eligible to be reimbursed from loan funds. If the application is rejected for any reason, the Energy commission is not responsible for reimbursement of any costs.

Funds are available on a reimbursement basis with a current interest rate of 4.5 percent. The final 10 percent of funds will be retained until project completion. More detailed information can be found at (916) 654-4147, pubprog@energy.state.ca.us or at <http://www.energy.ca.gov/efficiency/financing/>



MEMO

TO: Energy and Environment Committee

FROM: Ted Harris, Associate Regional Planner, 213-236-1916, harrist@scag.ca.gov

DATE: March 3, 2005

SUBJECT: Preliminary Schedule for the 2007 RTP and PEIR

Summary:

The Regional Council adopted the 2004 Regional Transportation Plan (RTP) on April 1, 2004. Transportation Conformity on the 2004 RTP was approved by the federal agencies on June 7, 2004 for the South Coast Air Basin (SCAB), the Imperial County and Coachella Valley portions of Salton Sea Air Basin (SSAB), and the San Bernardino portion of the Mojave Desert Air Basin (MDAB). Conformity for the Ventura County portion of the South Central Coast Air Basin and the South Desert Modified 1-Hour Ozone Area was approved on June 16, 2004. Both federal (Title 23, CFR Sec.450.322) and state (Government Code 65080(c)) law requires that the RTP be updated at least once every three years in federally designated non-attainment and maintenance areas for air quality such as our region. Accordingly, the current RTP must be updated and adopted by the Regional Council by no later than April of 2007.

BACKGROUND:

On February 3, 2005, the Transportation and Communications Committee (TCC) directed staff to move forward with the RTP triennial update process. Staff informed the TCC that uncertainties associated with fiscal issues may warrant an early amendment or update of the RTP. The TCC directed staff to continue assessing and monitoring potential need for an amendment or an update and report back in March.

Uncertainties associated with the fiscal issues raised by staff that may warrant early amendment or update of the RTP have not changed. Most of these issues are going to take about a year to fully play out. Deciding whether or not to entertain an amendment or an update at that point would be too late. Therefore, in order for us to position ourselves to accommodate an amendment or an early update, we need to gear up now with the update process assuming we will need to meet an early update schedule. In the event that early update becomes unnecessary or irrelevant, we would be in an enviable position of being able to spend more time in further refining the plan for adoption through the regular update schedule. The attached timeline for the proposed RTP update has been prepared based on this premise. The key milestones of the proposed schedule are:

- Complete updating goals, objectives, planing and technical assumptions, baseyear evaluation etc. by May 2005
- Complete development of No-project or Baseline growth by Aug 2005
- Establish Baseline performance conditions, needs assessment and baseline revenue forecast by Nov. 2005

MEMO

- Establish Baseline performance conditions, needs assessment and baseline revenue forecast by Nov. 2005
- Develop alternative scenarios, including growth scenarios by Jan 2006. If an amendment or an update becomes unnecessary or irrelevant, continue the alternatives process through July 2005.
- Analyze/evaluate the alternatives by April 2006. If an amendment or an update becomes unnecessary or irrelevant, continue the alternatives evaluation process through Sept. 2005
- Release the Draft RTP/EIR in June 2006. If an amendment or an update becomes unnecessary or irrelevant, release the draft in Oct. 2006.
- Adopt RTP/EIR/Growth Forecast in Aug 2006. If an amendment or an update becomes unnecessary or irrelevant, adopt in April 2007.

Staff's recommendation to the Transportation and Communications Committee (TCC) is to move forward with the proposed RTP/EIR update schedule accommodating a potential interim plan amendment or an update. Staff will keep EEC informed of any issues that might impact the current RTP schedule.

FISCAL IMPACT:

No fiscal impact. The budget for this work is already included in the current Overall Work Program (OWP).

DRAFT SCHEDULE **RTP UPDATE AND RELATED REGIONAL PLANNING ACTIVITIES, 2005-2007**

| ID | | Task Name | Qtr 1, 2005 | | | Qtr 2, 2005 | | | Qtr 3, 2005 | | | Qtr 4, 2005 | | | Qtr 1, 2006 | | | Qtr 2, 2006 | | | Qtr 3, 2006 | | | Qtr 4, 2006 | | | Qtr 1, 2007 | | | Qtr 2, 2007 | | |
|----|--|--|-------------|-----|-----|-------------|-----|-----|-------------|-----|-----|-------------|-----|-----|-------------|-----|-----|-------------|-----|-----|-------------|-----|-----|-------------|-----|-----|-------------|-----|-----|-------------|-----|-----|
| | | | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun |
| 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | | RTP/EIR | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | | Goal, Objectives, Planning Assumptions, Baseyear evaluation | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4 | | Develop No Project Growth Forecast | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | | Establish Baseline Performance, Needs Assessment, Revenue Forecast | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6 | | Develop Plan Alternatives, incl. Growth Scenarios | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 7 | | Analyze/Evaluate Alternatives & Select Preferred Alt. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8 | | Release Draft RTP & EIR | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 9 | | Adopt RTP/EIR/Growth Forecast | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 10 | | FHWA/FTA Approve RTP Conformity | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |